

**Oneida County Board of Supervisors  
Tuesday, January 17, 2017 – 9:30 a.m.  
Oneida County Courthouse  
County Board Meeting Room - 2<sup>nd</sup> Floor**

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**CALL TO ORDER**

Chairman Hintz called the meeting to order at 9:30 am in the County Board Meeting Room of the Oneida County Courthouse. There will be a brief moment of silence for our troops here and overseas followed by the Pledge of Allegiance.

**MEMBERS PRESENT:** Supervisors: Greg Oettinger, Bob Mott, Jack Sorenson, Greg Pence, Carol Pederson, Bill Freudenburg, Alex Young, Tom Kelly, Sonny Paszak, Dave Hintz, Alan VanRaalte, Lisa Zunker, Lance Krolczyk, Billy Fried, Mike Timmons, Bob Metropulous, Scott Holewinski, Mitchell Ives, Robb Jensen, Jim Winkler.

**#OF MEMBERS PRESENT:** 20

**SUPERVISORS EXCUSED:** Ted Cushing

**OTHERS PRESENT:** Tracy Hartman, Oneida County Clerk; Heidi Nehls, Chief Deputy Clerk; Brian Desmond, Corporation Counsel; Thomas Wiensch, Assistant Corporation Counsel I; Mike Romportl, Land Information; Karl Jennrich, Planning and Zoning Director; Mary Rideout, Social Services; Linda Conlon, Public Health Director; Todd Trosky, Environmental Health Specialist; Brenda Behrle, Clerk of Circuit Court; Darcy Smith, Finance Director.

**ANNOUNCEMENTS BY CHAIR, CORRESPONDENCE AND COMMUNICATIONS:**

- Sign Attendance Form at the Podium
- Please Use Microphones When Speaking
- Memorial and remembrance for WWII US Army veteran Wilbur Petroskey and US Army veteran Franklin Greb who both served on the county board in the past. It was also reported Chuck Franz had passed.

**ACCEPT THE MINUTES OF THE NOVEMBER 15, 2016 ANNUAL BUDGET MEETING AND NOVEMBER 15, 2016 EXPERA SPECIAL MEETING.**

**Motion/Second:** Jensen/Sorenson to accept minutes of 11-15-16 meeting.

**Corrections, Additions and Deletions:** Chairman Hintz requested correction of wording on page 2 stating levy freeze, more appropriate wording of levy limits was requested. Minutes listed the time as 9:30 am, correct time was 8:00 am for Expera meeting. All "aye" on voice vote to accept minutes, motion passes.

**REPORTS/PRESENTATIONS:**

- Efficiency Team Report-Draft is ready, not yet through Administration Committee. Will be addressed at a future date.
- Teens Active in Government (TAGS) –Lynn Feldman not available, addressed at a later time.

**\* PUBLIC COMMENT:**

No public comment

**CONSENT AGENDA:**

**Resolution #1-2017** offered by the Public Safety Committee authorizing the Clerk of Circuit Court to contract with the DOR (Department of Revenue) for the collection of unpaid debt. –Moved to regular agenda as Winkler had questions regarding Resolution.

**Resolution # 2-2017** offered by the Health and Aging Committee, Board of Health urging the State Legislature to develop and enact bipartisan support for funding of comprehensive, sustainable, effective and evidence based communicable disease control and prevention for public health.

**Resolution # 3-2017** offered by Forestry, Land and Recreation Committee regarding the acceptance and approval of the 2017 Oneida County Forest Work Plan.

**Resolution # 4-2017** offered by Land Records Committee approving the sale of parcels listed to the successful bidders. Parcel RH 3468-1, MOJO Real Estate Holdings LLC; Parcel MI 1973-7, Kevin P. Bradley; Parcel RH 724, Angela Gamez.

**Resolution # 5-2017** offered by Land Records Committee approving the conveyance of parcel (Part of Pin LR 520-1) to Michael G. Wagner and (Part of PIN LR 520-1) to Town of Little Rice, WI.

**Resolution # 6-2017** offered by Land Records Committee approving the sale of the parcel listed to the successful bidders. Parcel WB 505, Musson Brothers, Inc.

**Resolution # 7-2017** offered by Land Records Committee approving the conveyance of parcel (Part of PIN NO 177-1) to David L. Duellman and Mary E. Duellman.

**Resolution # 8-2017** offered by Administration Committee to seek outside counsel, the law firm of Mallery & Zimmerman, for the Law Enforcement Grievance Committee with regards to the Welcenbach matter.

**Resolution #9-2017** offered by the Administration Committee regarding signatories on county bank accounts.

- **APPOINTMENTS TO COMMITTEES, COMMISSIONS AND OTHER ORGANIZATIONS:**

Re-appoint Roger Freund to serve on the Veteran's Service Commission for a term of 3 years beginning January 2017, ending January 2020.

**Motion/Second: Van Raalte/Timmons** to accept the Consent agenda as presented. Consent agenda approved. All "ayes" on voice vote, motion carries.

**CONSIDERATION OF RESOLUTIONS & ORDINANCES:**

**Resolution #1-2017** Resolution offered by the Supervisors of the Public Safety Committee.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

**WHEREAS**, the Oneida County Clerk of Circuit Court collects court-ordered financial obligations and has employed legal means to collect unpaid amounts; and

**WHEREAS**, the Clerk of Circuit Court for Oneida County employs several methods of collection including, but not limited to, bench warrants, commitment orders, payment plans, review hearings, judgments, income assignments and tax refund intercept; and

**WHEREAS**, §59.40(4), Wis. Stats, allows the Clerk of Circuit Court, if authorized by the County Board under §59.52(28), Wis. Stats, to contract with the Wisconsin Department of Revenue (DOR) for the collection of unpaid debt; and

**WHEREAS**, any agreement entered into with the DOR shall indicate that any collection fees incurred by the DOR shall be in addition to the debt owed the Clerk of Circuit Court and charged by the DOR directly to the debtor; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Oneida County Board of Supervisors that the board hereby authorizes the Clerk of Circuit Court to contract with the DOR for the collection of unpaid debt pursuant to Wisconsin Statutes.

**BE IT FURTHER RESOLVED**, that the County Board Chairperson and Public Safety Committee Chairperson are authorized to execute a contract to effectuate this purpose, subject to the review and

approval of the Corporation Counsel.

Approved by the Public Safety Committee this 16<sup>th</sup> day of November, 2016.

Offered and passage moved by: Michael Timmons, Bob Metropulos and Billy Fried.

**Discussion:** The Public Safety Committee is authorizing the Clerk of Circuit Court to contract with the DOR (Department of Revenue) for the collection of unpaid debt.

Clerk of Circuit Court Brenda Behrle explained the current collection process. She advised the DOR has a better means of collecting debt as they have more resources available. They charge a fee prior to collection but do not charge a percentage. This fee is not paid by the county but paid by the debtor.

**Roll Call Vote: 20 Ayes, 0 Nays, 1 Absent Ted Cushing**

**Student Representative: absent**

**Resolution #1-2017:** Adopted

**Resolution # 10-2017 /General Code O/A #6-2016 – Extension O/A Amendment #12-2015**

Resolution offered by the Planning and Development Committee.

**WHEREAS**, the Planning & Development Committee, having considered Ordinance Amendment #12-2015, which was filed September 16, 2015, to add Section 9.57, Moratorium on Livestock Facilities Licensing of the Oneida County Zoning and Shoreland Protection Ordinance, and having given notice thereof as provided by law and having held a public hearing thereon October 7, 2015 pursuant to Section 59.69(5), Wisconsin Statutes, and having been informed of the facts pertinent to the changes which are as follows:

**WHEREAS**, the purpose of the ordinance is to allow Oneida County to impose a moratorium providing adequate time to study, review, consider, and determine whether amendments to the Oneida County Zoning and Shoreland Protection Ordinance or creation of a Livestock Facilities Zoning Ordinance is required to protect public health or safety in Oneida County; and

**WHEREAS**, the moratorium would prohibit new livestock facilities that will have 500 or more animal units; and

**WHEREAS**, the Planning and Development Committee held a public hearing and no one testified in opposition; and

**WHEREAS**, the Planning and Development Committee is requesting a extension of six (6) months on the moratorium; and

**WHEREAS**, On January 19, 2016, the County Board of Supervisors approved Resolution 9-2016 (copy attached). Under 9.57(F) Duration of Moratorium states: *This moratorium shall be in effect for a period of twelve (12) months from the date of this ordinance is passed by the County Board unless the County Board rescinds this moratorium at an earlier date. This moratorium may be extended for up to six (6) more months by a majority vote of the Oneida County Board of Supervisor.*

**WHEREAS**, the moratorium was published February 9, 2016 rendering it effective as of that date.

**NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:**

Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

Section 2. This ordinance shall take effect the day after passage and publication as required by law.

Section 3. If any claims, provisions or portions of this ordinance are adjudged unconstitutional or

invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. Chapter 9 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

#### 9.57 MORATORIUM ON LIVESTOCK FACILITIES LICENSING

[Sections 9.57 A-E shall remain unchanged]

##### F. Duration of Moratorium

~~This moratorium shall be in effect for a period of twelve (12) months from the date this ordinance is passed by the County Board unless the County Board rescinds this moratorium at an earlier date. This moratorium may be extended for up to six (6) more months by a majority vote of the Oneida County Board of Supervisors.~~

Approved by the Planning and Development Committee this 7<sup>th</sup> day of December, 2016.

Offered and passage moved by: Scott Holewinski, Jack Sorensen, Mike Timmons, Billy Fried and Dave Hintz.

**Discussion:** Presentation by Planning and Zoning Director Karl Jennrich requesting an extension of an existing moratorium place regarding large scale feed lot operation. Discussed the purpose is to prohibit operations that have 500 or more animal units and also to limit the expansion of existing operations. Discussion ensued as to why this could be an issue in our county with comments from Supervisor Mott, Supervisor Holewinski and Supervisor Winkler. Jennrich stated a moratorium is only temporary and a permanent ordinance needs to be developed with proper research.

**Roll Call Vote: 20 Ayes, 0 Nays, 1 Absent Ted Cushing**

**Student Representative: absent**

**Resolution #10-2017:** Adopted

**Resolution # 11-2017** Resolution offered by the Supervisors of the Public Works Committee.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

**WHEREAS**, Oneida County owns title or easement to lands for purposes of highway right of way (see attached descriptions and maps); and

**WHEREAS**, Wisconsin Statute s. 84.09(3)(b) requires that the upon order of the Department of Transportation (DOT) the County shall transfer the above referenced lands to the DOT; and

**WHEREAS**, the DOT has issued the order requiring the transfer of the above referenced lands more specifically described as:

(Project DJ 7192: Parcels 67, 68) S8 T36N R8E in Government Lot 3, Lots 4 & 5, Rodd's Addition to Crescent Bay Subdivision [*USH 8* Heafford Junction, Rhinelander – Oneida County]"

and;

**WHEREAS**, the order of the DOT requires that the County Clerk and the Highway Committee sign the attached quitclaim deed; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Oneida County Board of Supervisors that the lands described in the attached order and quitclaim deed be transferred to the Wisconsin Department of Transportation pursuant to Wisconsin Statute s. 84.09(3)(b); and

**BE IT FURTHER RESOLVED**, that the Oneida County Clerk and Highway Committee/Commissioner are directed to sign the attached quitclaim deed.

Approved by the Public Works Committee this 20th day of December, 2016.

Offered and passage moved by: Ted Cushing, Sonny Paszak, Mike Timmons, Scott Holewinski and Robb Jensen.

**Discussion:** Presentation from Land Information Director Mike Romportl, the land to be transferred is excess right away property. This land is vested in county's name but is held in trust for the state. The landowner requested DOT transfer the title to them. As this land is held in trust for the state the process was the county has to deed property to the DOT to then the DOT would deed to the landowner.

**Roll Call Vote: 20 Ayes, 0 Nays, Absent 1 Ted Cushing**

**Student Representative:** absent

**Resolution #11-2017:** Adopted

**Resolution # 12-2017** offered by the Public Works Committee approving the transfer of lands (Project DJ 7752: Parcels 1,2) to the Wisconsin Department of Transportation.

**Discussion:** Resolution #12 Referred back to committee.

**Motion/Second Jensen/Holewinski**

**Roll Call Vote: 20 Ayes, 0 Nays, Absent 1 Ted Cushing**

**Student Representative:** absent

**Resolution #12-2017:** Referred back to committee.

**Resolution # 13-2017** Resolution offered by the Supervisors of the Administration Committee.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

**WHEREAS**, Oneida and Vilas County created and, are the only members of a multi-county transit commission under Wis. Stats. Sections 59.58(2) and 66.0301; and

**WHEREAS**, the Oneida Vilas Transit Commission is dependent on State and Federal Grant money along with fees for services in order to operate; and

**WHEREAS**, State and Federal grants no longer afford the Transit Commission pre-payment of grant dollars; and

**WHEREAS**, without a one- time advance of \$50,000.00(Fifty-Thousand Dollars) from Oneida County, along with a matching advance from Vilas County, the Oneida Vilas Transit Commission will struggle with cash flow issues that could affect services to Oneida County residents; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Oneida County Board of Supervisors that the Oneida Vilas Transit Commission is to be provided a one-time advance of \$50,000 (Fifty-Thousand Dollars) from the general fund; and

**BE IT FURTHER RESOLVED**, that the one time advance shall be reviewed annually by the Administration Committee and repaid to Oneida County upon request.

Approved by the Health and Aging Committee this 9<sup>th</sup> day January of 2017.

Offered and passage moved by: Robb Jensen, Ted Cushing, Dave Hintz, Billy Fried and Bob Mott.

**Discussion:** Per Supervisor Mott, Transit Commission is requesting an advance in operating funds. He stated funding received from State and Federal government is not always timely and available when bills are due to be paid. There is then a shortage of funds when bills come due. Need for program in place was discussed. Transit is now available to the general public as opposed to just the elderly and disabled; this change was made in May 2016. It was reported by Supervisor Mott that April 2016 usage was 588 one way rides; change implemented in May 2016 to make rides available to all citizens in Vilas and Oneida, usage reported for the month of December is 2,062. Per Supervisor Mott Oneida County Finance approved advance and request will be sent to Vilas County Finance on today's date.

Presentation from Jim Altenburg, Transit Manager: Altenburg discussed increase in budget from 2016 to

2017. Discussion ensued if interest on this advance is to be charged to Transit Commission. Comments from Chairman Hintz, Supervisor Sorenson, Supervisor Holewinski, and Supervisor Mott. It was stated that money will be available on demand when needed and will be reviewed annually. Per Supervisor Mott 3<sup>rd</sup> quarter reported 4007 rides and 4<sup>th</sup> quarter 7600 rides. Lengthy discussion of high usage, current needs of program and structure of draw repayment. Comments from Supervisor Hintz, Supervisor Sorenson, Transit Manager Jim Altenburg, Supervisor Fried, Supervisor Mott, Department on Aging Director Diane Jacobsen, Supervisor Jensen, Finance Director Darcy Smith, Supervisor Freudenburg, Supervisor Metropoulos, Supervisor Young, and Supervisor Van Raalte.

**Roll Call Vote: 20 Ayes, 0 Nays, Absent 1-Ted Cushing**

**Student Representative:** absent

**Resolution #13-2017:** Adopted

**Supervisor Fredeunburg excused 10:14 a.m.**

**Resolution # 14-2017** Resolution offered by the Supervisors of the Forestry, Land and Recreation Committee.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

**WHEREAS**, The stated mission of the Oneida County Forestry, Land and Recreation is to manage, conserve and protect resources on a sustainable basis for present and future generations; and,

**WHEREAS** Thomas Rudolph graciously volunteered his time and expertise to the Forestry Committee, providing invaluable insights, perspective, and guidance throughout his 20-year tenure on said committee; and,

**WHEREAS**, the recently completed picnic pavilion located at Almon Park has never been formally named; and accordingly is simply referred to as the upper level picnic pavilion.

**NOW, THEREFORE, BE IT RESOLVED**, that the Forestry, Land, and Recreation Committee recommends that the upper level picnic pavilion located at Almon Park be formally named the Rudolph Shelter, in recognition of the many years of public service provided to Oneida County by Thomas Rudolph, as an Oneida County Supervisor.

Approved by the Forestry Committee this 4<sup>th</sup> day of January 2017.

Offered and passage moved by: Jack Sorensen, Bob Mott, Lisa Zunker, Greg Pence and Alan Van Raalte.

**Discussion:** Supervisor Sorensen stated this is a simple and low cost means of saying thank you to former supervisor Tom Rudolph for all of his time and effort that he has put into the Forestry Committee.

**Roll Call Vote: 19 Ayes, 0 Nays, Absent 2-Freudenburg/Cushing**

**Student Representative:** absent

**Resolution #14-2017:** Adopted

**Resolution # 15-2017** Resolution offered by the Supervisors of the Health and Aging and Labor Relations Employee Services Committees.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

**WHEREAS**, Oneida and Vilas Counties have formed a Transit Commission; and

**WHEREAS**, the Transit Commission has hired and developed staff in order to take over the majority of transportation issues which were previously under the full time Nutrition/Transportation Coordinator position at the Department on Aging; and

**WHEREAS**, due to the reduction of work to be handled by the full time Nutrition/Transportation Coordinator position the position shall be reduced to a part time 60% position.

**NOW, THEREFORE, BE IT RESOLVED**, by the Oneida County Board of Supervisors that the full time Nutrition/Transportation Coordinator position be reduced to a part time 60% position effective January 18, 2017 and remain at Grade Level F of the Non-exempt Wage Schedule.

**BE IT FURTHER RESOLVED**, by the Oneida County Board of Supervisors that by adoption of this resolution it shall be deemed that an amendment has been made to the County budget for fiscal year 2017 to reflect all projected cost savings for the position as set forth in the fiscal impact statement which is attached hereto and made a part hereof.

Approved by the Health and Aging Committee this 13<sup>th</sup> day of December, 2016.  
Offered and passed moved by: Bob Mott, Carol Pederson, Tom Kelly, Ted Cushing and Billy Fried.

**Discussion:** Presentation by Department on Aging Director Diane Jacobson, advised the duties of this position have been reduced as the Transit Commission has grown.

**Roll Call Vote: 19 Ayes, 0 Nays, Absent 2-Freudenburg/Cushing**

**Student Representative:** absent

**Resolution #15-2017:** Adopted

**Resolution # 16- 2017** Resolution offered by the Supervisors of the Health and Aging and Labor Relations Employee Services Committees.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

**WHEREAS**, Oneida and Vilas Counties have formed a Transit Commission; and

**WHEREAS**, the Transit Commission has hired and developed staff in order to take over all of transportation matters related to busing which were previously under the Department on Aging; and

**WHEREAS**, the Department on Aging will no longer have a need to employ one full time and one part time 50% bus driver positions.

**NOW, THEREFORE, BE IT RESOLVED**, by the Oneida County Board of Supervisors that the full time bus driver and part time 50% bus driver positions be eliminated January 18, 2017.

**BE IT FURTHER RESOLVED**, by the Oneida County Board of Supervisors that by adoption of this resolution it shall be deemed that an amendment has been made to the County budget for fiscal year 2017 to reflect all projected cost savings for the position as set forth in the fiscal impact statement which is attached hereto and made a part hereof.

Approved by the Health and Aging Committee this 13<sup>th</sup> day of December, 2016.  
Offered and passage moved by: Bob Mott, Carol Pederson and Tom Kelly.

**Discussion:** Per Supervisor Mott this is similar to previous resolution, the duties have been reduced due to the Transit Commission taking over.

**Roll Call Vote: 19 Ayes, 0 Nays, Absent 2-Freudenburg/Cushing**

**Student Representative:** absent

**Resolution #16-2017:** Adopted

**Resolution # 17-2017** offered by the Health and Aging and Labor Relations Employee Services Committees Resolved by the Board of Supervisors of Oneida County, Wisconsin.

**WHEREAS**, Oneida County, by contract, acts as an agent for the State of Wisconsin Department of Agriculture, Trade and Consumer Protection and the Department of Safety and Professional Services in regulating the industries listed below in section 11.16(2); and

**WHEREAS**, the Code was required to be updated to include all the duties and responsibilities of the Oneida County Health Department;

**WHEREAS,**

**NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:**

Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

Section 2. This ordinance shall take effect the day after passage and publication as required by law.

Section 3. If any claims, provisions or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. Section 11.16 of the General Code of Oneida County, Wisconsin, is repealed and recreated as follows [additions noted by underline]:

**11.16 LODGING, FOOD PROTECTION, RECREATIONAL FACILITIES, AND TATTOO AND BODY PIERCING.** (Cr. #12-99; Am. #85-2005)

- (1) AUTHORITY. This section is adopted pursuant to that authority provided by Section 97.41(restaurant food), Wisconsin Statutes, Section 125.68(5)(restaurant sanitation rules), (child care facilities), Wis. Stats., Section 254 (Environmental Health), Wisconsin Statutes, and Section 326.09(enforcement), Wisconsin Statutes; and by Wisconsin Administrative Chapters ATCP 72 (Hotels, Motels, and Tourist Rooming Houses), ATCP 73 (Bed & Breakfasts), ATCP 74 (Retail Food Rules and Regulations-Enforcement) and ATCP 75 (Retail Food Establishments and Vending), ATCP 76 (Swimming Pools), ATCP 78 (Recreational Educational Camps), ATCP 79 (Campgrounds), and DSPS 390 (Manufactured Home Communities), DSPS 221 (Tattooing and Body Piercing), DSPS 463 (Body Art and Tanning Facilities).
- (2) PURPOSE. The purpose of this ordinance is to protect and improve the health of the public and to authorize the Oneida County Health Department (OCHD) to be the designated agent of the State of Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) for the purpose of establishing permit fees; issuing permits; and investigating or inspecting hotels, motels, tourist rooming houses, restaurants, bed and breakfast establishments, campgrounds, recreational and educational camps, public swimming pools, and establishments possessing permanent Class B and Class C alcoholic beverage licenses with the exception of those licenses serving beverages solely, directly from cans or bottles and those licenses selling beverages at a retail level, and investigating and inspecting food vending machines, operators of vending machines and vending machine commissaries. ; and authorizing the OCHD to be the designated agent of the State of Wisconsin Department of Safety and Professional Services (DSPS) for the purpose of establishing permit fees; issuing permits and investigating or inspecting Manufactured Home Communities, and Tattooing and Body Piercing Facilities; and for the purpose of enacting local regulations governing

these establishments which may be more strict than state law.

- (3) APPLICABILITY. The provisions of this section shall apply to the owner and operator of any retail food establishment, tattoo and body piercing establishment, hotel, motel, tourist rooming house, restaurant, bed and breakfast, campground, recreational and educational camp, public swimming pool, establishments possessing Class B or Class C alcoholic beverage licenses, vending machine commissary or vending machine in all areas of Oneida County.
- (4) DEFINITIONS. In addition to those definitions set forth expressly hereinafter, all definitions set forth in Chapters 97, 125, 254, Wis. Stats., and Wis. Admin. Code Chapters ATCP 72, 73, 74 75, 76, 78, and 79, and DSPS 390, DSPS 221, and DSPS 463 are incorporated herein by reference and shall be construed, read and interpreted as if set forth herein until amended and then shall apply as amended. In addition the following terms and phrases have meaning ascribed to them in this section, except where the context clearly indicates a different meaning:
- (a) "Annual Permit Fee" shall mean a fee for on-site inspection of the entire facility, and one follow-up inspection to determine that establishments identified in the ordinance are compliant with the statutes and administrative codes that govern their operation.
  - (b) "Body pierce", as a verb, means to perforate any human body part or tissue, except an ear, and to place a foreign object in the perforation to prevent the perforation from closing.
  - (c) "Body piercer" means a person who performs body piercing on another person at that person's request.
  - (d) "Body piercing" means perforating any human body part or tissue, except an ear, and placing a foreign object in the perforation to prevent the perforation from closing.
  - (e) "Body-piercing establishment" means the premises where a body piercer performs body piercing.
  - (f) "Duplicate permit fee" shall mean a fee for the replacement of an original permit.
  - (g) "Health Department" shall mean the Oneida County Public Health Department.
  - (h) "Inspection fee" shall mean a fee for on-site visits to determine that establishments identified in the ordinance are compliant with the statutes and administrative codes that govern their operation.
  - (i) "Late fee" shall mean a fee that is charged for failure to comply with the application time frame specified in the applicable statute and administrative code for completion and submission of the required application for permit to the Health Department.
  - (j) "Limited food service" shall mean the serving of food which is prepared and packaged off the premises with preparation on the premises limited to heating and serving with single-service articles, i.e. hermetically wrapped sandwiches or frozen pizza.
  - (k) "Local Health Officer" shall mean the health officer who is in charge of the Oneida County Health Department.

- (l) "Mobile restaurant" shall mean a restaurant operating from a movable vehicle, pushcart, trailer or boat which periodically or continuously changes location and wherein meals or lunches are prepared or served or sold to the general public, excepting those vehicles used in delivery of preordered meals or lunches prepared in a licensed restaurant.
- (m) "Operator" shall mean the owner or person responsible to the owner for the operations of the hotel, motel, bed and breakfast establishment, food service establishment or beverage establishment, vending machine commissary and/or vending machine, campground, camping resort, recreational/educational camps, public swimming pools or tattoo and body piercing establishment.
- (n) "Outdoor Grilling" shall mean the cooking of food on an outdoor grill on the premises of a licensed food service facility. The purpose for outdoor cooking shall not increase the production capability of the restaurant kitchen by circumventing codes applicable to indoor cooking facilities. Hot holding shall be limited to what can be held on the cooking unit.
- (o) "Penalty Fee" shall mean a fee for failure to pay established or assessed fees in a timely manner.
- (p) a. "Potentially Hazardous Food" or "Time and Temperature Control for Safety" (TCS) shall mean a FOOD that is natural or synthetic and that requires temperature control because it is in a form capable of supporting:
1. The rapid and progressive growth of infectious or toxigenic microorganisms.
  2. The growth and toxin production of Clostridium botulinum; or
  3. In raw shell eggs, the growth of Salmonella enteritidis.
- b. "Potentially hazardous food" or "Time and Temperature Control for Safety" (TCS) food includes an animal FOOD (a FOOD of animal origin) that is raw or heat-treated; a FOOD of plant origin that is heat-treated or consists of raw seed sprouts; cut melons, and garlic and oil mixtures that are not acidified or otherwise modified at a FOOD PROCESSING PLANT in a way that results in mixtures that do not support growth as specified under Subparagraph a. of this definition.
- c. "Potentially hazardous food" or "Time and Temperature Control for Safety (TCS)" does not include:
1. An air-cooled hard -boiled egg with shell intact;
  2. A FOOD with an aw value of 0.85 or less;
  3. A FOOD with a pH level of 4.6 or below when measured at 24C (75F);
  4. A FOOD in an unopened HERMETICALLY SEALED CONTAINER, that is commercially processed to achieve and maintain commercial sterility under conditions of non refrigerated storage and distribution; and

5. A FOOD for which laboratory evidence demonstrates that the rapid and progressive growth of infectious or toxigenic microorganisms or growth of S. enteritidis in eggs or C. botulinum cannot occur, such as a Food that has an aw and a pH that are above the levels specified under Subparagraphs c.2 and 3 of this definition and that may contain a preservative, other barrier to growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms.
6. A FOOD that may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness, but that does not support the growth of microorganisms as specified under Subparagraph a. of this definition.
- (q) "Pre-inspection fee" shall mean a fee for consultative services offered within a 6-month period from the date of permit application to a change in operator or new business. .
- (r) "Re-inspection fee" shall mean a fee for any subsequent inspections required to address compliance issues with the statutes and administrative codes that govern their operation. Re-inspections are conducted due to one or more of the following: Uncorrected critical violations, more than ten total violations, repeat violations from previous inspections, major non-critical violations and when a complaint investigation identifies unsatisfactory conditions. The fee for a re-inspection will be a set fee, determined by DATCP.
- (s) "Restaurant" shall mean any building, room or place where meals are prepared, served or sold to transients or the general public, and all places used in connection with the building, room or place and includes any public or private school lunchroom for which food service is provided by contract. Restaurant does not include:
1. Taverns that serve free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish or bread and butter;
  2. Churches, religious, fraternal, youth or patriotic organization, service clubs and civic organizations which occasionally prepare, serve or sell meals to the general public;
  3. Any food service provided solely for needy persons;
  4. Bed and breakfast establishments;
  5. A private individual selling food from a movable or temporary stand at a public farm sale;
  6. Any center as defined in §36.05(4), institution as defined in §36.51(1)(b), or technical college that serves meals only to the students enrolled in the center, institution or school or to authorized elderly persons under §36.51 or §38.36;
  7. A concession stand as defined in §196.03(22)(g) at a locally sponsored sporting event, such as a little league game; or
  8. Any public or private school lunchroom for which food service is directly

provided by the school.

(t) "Retail Food Establishment" shall mean any of the following, but does not include a restaurant or other establishment holding a permit to the extent that the activities of the establishment are covered by that permit:

1. A permanent or mobile food processing facility where food is processed primarily for direct retail sale to consumers at the facility.
2. A mobile facility from which potentially hazardous/TCS food is sold to customers at retail.
3. A permanent facility from which food is sold to consumers at retail, whether that facility sells potentially hazardous food or is engaged in food processing.

(u) "Tattoo", as a verb, means to insert pigment under the surface of the skin of a person, by pricking with a needle or otherwise, so as to produce an indelible mark or figure through the skin.

(v) "Tattoo establishment" means the premises where a tattooist applies a tattoo to another person.

(w) "Temporary restaurant" or "temporary Retail Food Establishment" shall mean a restaurant or retail food establishment that operates at a fixed location in conjunction with a single event such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion for a period of no more than fourteen consecutive days or less. Mobile Establishments of this type which conduct business in Oneida County, that are licensed outside of Oneida County, will be inspected and charged a nominal fee to cover the inspection cost.

(x) "Temporary suspension" shall mean the revocation of a permit for a time period set for no less than 24 hours and no greater than one week as determined by the Health Officer and/or his or her designee.

(y) "Vending machine" shall mean any self-service device offered for public use which, upon insertion of a coin or token, or by other means, dispenses unit servings of food or beverage either in bulk or in package, without the necessity of replenishing the device between each vending operation. "Vending machine" does not include a device which dispenses only bottled, prepackaged or canned soft drinks, a vending machine dispensing only candy, gum, nuts, nut meats, cookies or crackers, or a vending machine dispensing only prepackaged grade A pasteurized milk or milk products.

(z) "Vending machine commissary" shall mean any building, room or place in the state at which foods, containers, transport equipment or supplies for vending machines are kept, handled, prepared or stored by a vending machine operator, except a place at which the operator is licensed to manufacture, distribute or sell food products under Chapter 97, Wis. Stats.

(5) ENFORCEMENT.

(a) The provisions of this section shall be administered by or under the direction of the Health Officer of the OCHD, who in person, or by duly authorized representatives, shall have the right to enter, at reasonable hours, premises effected by this regulation to inspect the premises, secure samples or

specimens, examine and copy relevant documents and records or obtain photographic or other evidence needed to enforce this section.

(b) Each of the following county officials may issue citations for the violation of ordinances directly related to his or her official responsibilities: Oneida County Health Officer, Oneida County Assistant Health Officer, Environmental Health Specialist, Environmental Health Technician, Solid Waste Administrator and Planning and Zoning Administrator. In the event the position of Health Department Director is vacant, his/her authority under this chapter may be assumed by personnel designated by the Board of Health.

(6) LICENSE AND PERMIT.

(a) No person shall operate a tattoo and body piercing establishment, retail food establishment, bed and breakfast establishment, hotel, motel, tourist rooming house, restaurant, campground, recreational and educational camp or public swimming pool, or a Class B or Class C alcoholic beverage licensure establishment without first obtaining a non-prorated permit from the Health Department. Permits shall be issued on an annual basis, commencing with July 1 and ending on the following June 30. Each such permit shall expire on June 30 of each year following issuance except that permits initially issued during the period beginning on April 1 and ending June 30 shall expire June 30 of the following year. The issuance of a permit may be conditioned upon the Permit licensee correcting a violation of this section within a specified period of time. If the condition is not met within the specified period of time, the permit shall be voided. The permit shall not be transferable to a location other than the one for which it was issued. A permit shall not be transferred from one operator to another subject to the express exception of:

1. As to location, temporary permits may be transferred;
2. As to operator, a permit of a restaurant operator may be transferred to an individual who is an immediate family member of the operator if the operator is transferring operation of the establishment or vending machine to that immediate family member. A parent, child, stepchild, spouse, grandparent, grandchild, sibling or stepsibling shall be considered an immediate family member for purposes of this section.

(b) Operators or Permit licensees of temporary restaurants whom the Health Department has found to be uncooperative or habitual violators of this section may be denied a permit to operate. Temporary permits may be transferred to a premises other than that for which it was issued, provided that the approval of the new premises is secured from the Health Department prior to operating at the new premises.

(c) With the exception of those establishments defined herein as "temporary", no permits shall be granted to any person under this section without a pre-inspection by the Health Department of the premises for which the permit shall be granted.

(d) No permit shall be issued until all application fees have been paid.

(7) APPLICATION. Application for permits shall be made in writing to the Health Department on forms developed and provided by the Health Department, stating the name and address of the proposed applicant and operator, and the address and location of the proposed establishment, together with any such other information as may be required. The Health Department shall either approve the application or deny the permit within 30

days after receipt of a complete application.

- (8) FEES. Fees for the issuance of permits, the making of investigations, inspections, training and technical assistance to establishments covered pursuant to this section are hereby established pursuant to this section, subject to amendment, from time to time, upon the recommendation of the Oneida County Board of Health and approval of the County Board of Supervisors. In addition, separate pre-inspection fees are hereby established with respect to new establishments or existing establishments that have been transferred to a new owner. Said fee schedule may be amended from time to time by the Oneida County Board of Health. Permit fees shall be no lower than the fees established and used by the State of Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) to implement these respective Wisconsin administrative Codes and are hereby adopted by reference.
- (9) PERMIT, PUBLIC DISPLAY. Every licensed establishment shall be required to obtain a permit pursuant to this section and shall display said permit, at all times, in a conspicuous public place.
- (10) PERMIT, SUSPENSION AND REVOCATION. Permits issued by the Health Department pursuant to this section may be temporarily suspended for a violation of any provisions hereof or the State Statutes or Administrative Code provisions adopted by reference herein, if the Health Department determines that an immediate danger to health exists. After repeated violations of this section or violations which have already created a serious public health hazard, permits may be permanently revoked. Decisions of the Health Department shall be subject to review in the manner provided in Chapter 227(Administrative Procedure and Review), Wis. Stats.
- (11) REGULATIONS, RULES AND LAWS ADOPTED BY REFERENCE. The applicable laws, rules and regulations as set forth in Chapters 97, 125, 254, Wis. Stats., Chapters ATCP 72, 73, 74 75, 76, 78, and 79 and DSPS 390, 221, and 463 are incorporated in this regulation by reference and they shall be construed, read and interpreted as fully set forth herein until amended and then shall apply as amended. The express provisions of this section shall control where more restrictive.
- (12) VIOLATION; PENALTIES. Any person who violates or refuses to comply with any provisions of this section shall be subject to a forfeiture of not less than \$100 and not more than \$1,000, together with the costs of the action and in default of payment thereof to imprisonment in the County Jail for a period of not less than one day nor more than 6 months, or until such forfeiture and costs are paid, for each offense and/or revocation or amendment of their applicable permit. Each day a violation exists or continues shall be considered a separate and distinct offense. Where appropriate, injunctive relief may be sought by the Health Department against continuing violations. In the alternative, the Health Department may pursue enforcement of such section of these regulations as are prosecutable.

Approved by the Health and Aging Committee this 10<sup>th</sup> day of January, 2017.

Offered and passage moved by: Bob Mott, Carol Pederson, Tom Kelly, Jackie Cody, Ann Ovsuk and Amy Slette.

**Discussion:** Public Health Director Linda Conlon stated that statute numbers have changed and we need to change our ordinance to match the state statute. Presentation by Environmental Health Specialist Todd Troskey to advise on what changes were made to statutes. Questions from Supervisor Mott, Supervisor Van Raalte and Supervisor Jensen.

**Roll Call Vote: 19 Ayes, 0 Nays, Absent 2-Freudenburg/Cushing**  
**Student Representative:** absent  
**Resolution #17-2017:** Adopted

**OTHER BUSINESS:**

No other business.

10:42 Hintz called 10 min recess.  
10:51 Hintz called return to session

Closed Session: It is anticipated that a motion will be made, seconded and approved by roll call vote to enter into closed session pursuant to Section 19.85(1)(g), "Conferring with legal counsel concerning strategy to be adopted by the governmental body with respect to litigation in which it is or is likely to become involved". Topic: Child Support Legal Procedures-Stipulations and Orders AND It is anticipated that the Committee will return to open session by roll call vote to consider the remainder of the meeting agenda.

**Motion/Second Holewinski/Jensen** to go to closed session  
**Roll Call Vote 19 AYE,0 NAY 2 ABSENT-Freudenburg/Cushing**

Time to go to closed session: 10:57 closed session  
Berhle/Wiensch/Rideout allowed to remain in closed session.

11:51 Supervisor Bob Metropulous left closed session.

**Motion/Second Sorenson/Kelly** second at 12:48 to go into open session.  
**Roll Call Vote 18 Aye, 0 Nay 3 Absent-Freudenburg/Cushing/Metropulous**

Announcement of action taken in closed session, or take action based on closed session (NOTE: if the announcement of action taken in closed session would compromise the need for the closed session, the action taken will not be announced. Any action taken in closed session may be announced when the need for the closed session has passed).

While in closed session, motion was made by Supervisor Jensen seconded by Supervisor Mott for Oneida County to seek outside counsel regarding the topic of Child Support legal procedures, Stipulations and Orders and direct Corporation Counsel to develop a retainer agreement and authorize the formation of an Ad Hoc Committee of the Chairpersons of the Administration Committee, Public Safety Committee and Social Services Committee with the funds from the general fund. Passed 18 Aye; 0 Nay; 3 absent.

**NEXT MEETING DATE AND TIME:** February 21, 2017@ 9:30 am.

**ADJOURNMENT:**  
**Meeting adjourned at 12:51 PM**